

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

MICAH WASHINGTON, et al.,)	
)	
Plaintiffs,)	
v.)	7:25-civ-00138-ACA
)	
)	
CITY OF REFORM, et al.,)	
)	
Defendants.)	

**DEFENDANT JODY ELMORE’S MOTION TO DISMISS PLAINTIFFS’
AMENDED COMPLAINT**

COMES NOW Defendant Jody Elmore, former Deputy Sheriff for Pickens County, Alabama, and submits this Motion to Dismiss all claims brought against him in Plaintiffs’ Amended Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. In support thereof, Deputy Elmore asserts as follows:

1. All official capacity claims against Deputy Elmore, such as those in Counts III and IV of the Amended Complaint, are due to be dismissed pursuant to the Eleventh Amendment of the United States Constitution. Neither Congress nor the State of Alabama has waived immunity for officials of the state of Alabama. Accordingly, Plaintiff cannot maintain a claim against Deputy Elmore, a constitutional officer of the state, in his official capacity. *Carr v. City of Florence*, 916 F.2d 1521, 1525 (11th Cir. 1990).

2. The individual capacity claims against Deputy Elmore in Counts III and IV of the Amended Complaint are barred by qualified immunity. Deputy Elmore was acting within his discretionary authority at all times alleged in the Amended Complaint, and that Complaint fails to provide any factual detail which would allow the court to infer that the Deputy acted without probable cause. The Complaint specifically fails to plausibly allege that Deputy Elmore lacked probable cause when he placed handcuffs upon Plaintiff Henry and transported him to Detention Center, and the Complaint also fails to plausibly allege that Deputy Elmore unlawfully searched Plaintiff Henry. Further the Amended Complaint fails to plausibly allege that Deputy Elmore unlawfully or unreasonably detained Plaintiff S.W.. The Amended Complaint therefore fails to sufficiently allege a violation of a clearly established right.

3. All state-law claims against Deputy Elmore in Counts X, XIV, and XV of the Amended Complaint are barred by the absolute immunity afforded to sheriffs and their deputies under the Alabama Constitution. Plaintiffs themselves make clear that Deputy Elmore was acting within the line and scope of his employment at all relevant times, and the Alabama Supreme Court has repeatedly reiterated that sheriffs and deputies are immune from all claims for monetary damages within the line and scope of their employment. Even if this were not the case, these state-law claims also fail to provide enough factual detail to meet the plausibility standards

espoused by the Supreme Court in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

WHEREFORE PREMISES CONSIDERED, and as further explained in the Memorandum Brief filed contemporaneously herewith, Defendant Deputy Elmore respectfully requests this Court dismiss all claims against him in Plaintiffs' Amended Complaint.

Respectfully submitted this 29th day of May 2025.

s/ Joshua A. Willis

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CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of May, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to the following CM/ECF participants:

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